

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CEDRIC REID,

Plaintiff,

vs.

9:10-CV-0609

NORMAN R. BEZIO, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

Cedric Reid
00-A-6988
Elmira Correctional Facility
Box 500
Elmira, NY 14902-0500
Plaintiff, *Pro Se*

Hon. Eric T. Schneiderman
Attorney General of the State of New York
The Capitol
Albany, New York 12224
Attorney for Defendants

Christopher W. Hall, Esq.
Assistant Attorney General

Norman A. Mordue, Chief U. S. District Judge

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 30th day of March, 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

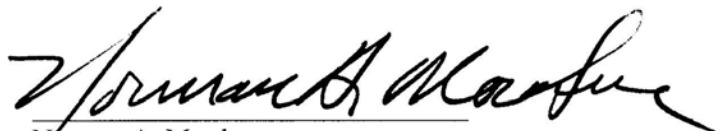
1. The Report-Recommendation (Dkt. No. 60) is hereby adopted in its entirety.

2. The Defendants' motion to dismiss (Dkt. No. 49) is GRANTED IN PART AND DENIED IN PART as follows: (1) granted with prejudice as to the second, fifth, sixth, and seventh disciplinary reports, the conspiracy claim, the conditions-of-confinement claims, and as to all defendants except Graham, Sarra, Quinn, and Wolczyk as to which claims and defendants this action should be terminated; (2) granted without prejudice as to defendant Graham as to which this action should be TERMINATED; and (3) denied as to the third and fourth disciplinary reports and as to defendants Sarra, Quinn, and Wolczyk.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: April 26, 2011
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge